

**M-08-361**

LJF:WMP

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

MICHAEL A. IVERY,  
also known as  
"Larry O'Neil Jones,"  
"L.O.J." and  
"Larry O'Neil Jones,"

Defendant.

AFFIDAVIT IN SUPPORT OF  
REMOVAL TO THE SOUTHERN  
DISTRICT OF FLORIDA

(Fed. R. Crim. P. 5(c))

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EASTERN DISTRICT OF NEW YORK, SS:

RICHARD KENNEDY, being duly sworn, deposes and says that he is a Special Agent with the United States Department of State Diplomatic Security Service ("DSS"), duly appointed according to law and acting as such.

Upon information and belief, on December 20, 2007, an arrest warrant was issued by the United States District Court for the Southern District of Florida, commanding the arrest of the defendant MICHAEL A. IVERY, also known as "Larry O'Neil Jones," "L.O.J." and "Larry O'Neil Jones," for willfully and knowingly making a false statement in an application for passport with the intent to induce and secure the issuance of a passport under the authority of the United States for his own use, in violation of Title 18, United States Code, Section 1542; falsely and willfully representing himself to be a citizen of the United States, in violation of Title 18, United States Code, Section 911; and knowingly and willfully making a false, fraudulent and fictitious

statement and representation as to a material fact, in violation of Title 18, United States Code, Section 1001(a)(2).

The source of your deponent's information and the grounds for his belief are as follows:


1. On December 20, 2007, an arrest warrant was issued by the United States District Court for the Southern District of Florida, commanding the arrest of the defendant MICHAEL A. IVERY, also known as "Larry O'Neil Jones," "L.O.J." and "Larry O'Neill Jones," who is charged by indictment for willfully and knowingly making a false statement in an application for passport with the intent to induce and secure the issuance of a passport under the authority of the United States for his own use, in violation of Title 18, United States Code, Section 1542; falsely and willfully representing himself to be a citizen of the United States, in violation of Title 18, United States Code, Section 911; and knowingly and willfully making a false, fraudulent and fictitious statement and representation as to a material fact, in violation of Title 18, United States Code, Section 1001(a)(2). The arrest warrant was issued following an indictment returned by a Grand Jury in that district. A copy of the arrest warrant and the indictment are attached hereto.

2. On or about April 11, 2008, the defendant arrived at John F. Kennedy International Airport, in Queens, New York, and was detained by Customs and Border Patrol officers when he presented his passport for inspection, and a routine examination revealed that there was an outstanding arrest warrant in his

name. Among other, Your Affiant examined the passport, which was issued by the country of Jamaica in the name of "Michael A. Ivery." The defendant also possessed a legal Permanent Resident Card in the name of "Michael A. Ivery." Moreover, the defendant confirmed, among other things, that he is "Michael A. Ivery."

4. It is the desire of the United States Attorney for the Southern District of Florida that the defendant MICHAEL A. IVERY, also known as "Larry O'Neil Jones," "L.O.J." and "Larry O'Neill Jones," be removed to that district for prosecution.

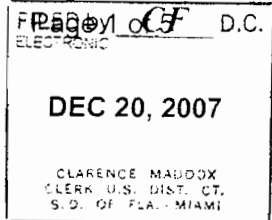
WHEREFORE, it is requested that the defendant MICHAEL A. IVERY, also known as "Larry O'Neil Jones," "L.O.J." and "Larry O'Neill Jones," be removed to the Southern District of Florida so that he may be dealt with according to law.

 04/11/08  
RICHARD KENNEDY  
Special Agent  
U.S. Department of State

Sworn to before me this  
11th day of April, 2008

GE





UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**07-21001-CR-UNGARO/O'SULLIVAN**  
CASE NO. \_\_\_\_\_

18 U.S.C. § 1542  
18 U.S.C. § 911  
18 U.S.C. § 1001(a)(2)

UNITED STATES OF AMERICA

vs.

MICHAEL ANTHONY IVERY,

Defendant.

INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about July 2, 2004, in Miami-Dade County, in the Southern District of Florida, the defendant,

**MICHAEL ANTHONY IVERY,**

did willfully and knowingly make a false statement in an application for a passport with the intent to induce and secure the issuance of a passport under the authority of the United States for his own use, contrary to the laws regulating the issuance of passports and the rules prescribed pursuant to such laws, in that the defendant stated in said application that his name was "L.O.J." and that he was born in Miami, Florida, when in truth and in fact, and as the defendant then and there knew, his name was not "L.O.J.," and he was not born in Miami, Florida; in violation of Title 18, United States Code, Section 1542.

**COUNT 2**

On or about July 2, 2004, in Miami-Dade County, in the Southern District of Florida, the defendant,

**MICHAEL ANTHONY IVERY,**

an alien, did falsely and willfully represent himself to be a citizen of the United States, in that he presented a birth certificate from Florida as proof of his identity, in an attempt to induce and secure the issuance of a passport; in violation of Title 18, United States Code, Section 911.

**COUNT 3**

On or about July 2, 2004, in Miami-Dade County, in the Southern District of Florida, the defendant,

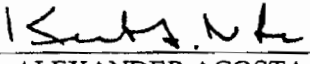
**MICHAEL ANTHONY IVERY,**

in a matter within the jurisdiction of the United States Department of State, a department of the executive branch of the Government of the United States, did knowingly and willfully make a false, fraudulent, and fictitious statement and representation as to a material fact, in that the defendant represented that his name was "L.O.J.," and that he

was born in Miami, Florida, when in truth and in fact, and as the defendant then and there well knew, his name was not "L.O.J." and he was not born in Miami, Florida; in violation of Title 18, United States Code, Section 1001(a)(2).

A TRUE BILL

FOREPERSON

  
R. ALEXANDER ACOSTA  
UNITED STATES ATTORNEY

  
PETER A. FORAND  
ASSISTANT UNITED STATES ATTORNEY